

REMARKS

The application has been reviewed in light of the Office Action mailed September 26, 2005. At the time of the Office Action, Claims 1-20 were pending in this application. Claims 1-20 were rejected.

In the Specification

Applicants are not aware of any possible minor errors in the specification.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Claims 1-20 have been canceled. New claims 21-32 have been added to more clearly point out and distinctly claim the subject matter which applicants regard as the invention. Antecedent basis for the new claims 21-32 may be found throughout the specifications and drawing figures as originally filed. No new matter has been added.

Rejections of the Claims under 35 U.S.C. § 102

Claims 1-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,140,950 by Oprescu (hereinafter "Oprescu")

Oprescu discloses a scaling circuit that requires $n+m$ distinct unit capacitors for providing a scaling ratio of n/m . In the present invention, M capacitors allow scaling ratios of N/M where N is less than M (e.g., a subset of M). Thus many more scaling ratios may be realized from the M capacitors of the present invention. For example, in Figure 4 of Oprescu three scaling capacitors are shown, e.g., $m = 2$ and $n = 1$, but only a scaling ratio of $1/2$ is possible. Whereas in Figure 1 of the instant application, the three capacitors 12, 14 and 16 enable selectable scaling ratios of $1/3$ and $2/3$, e.g., $M = 3$ and $N = 2$. Also in comparing the

configurations between the switches and capacitors of Figure 4 of Oprescu and Figure 1 of the instant application, major differences are readily apparent, *e.g.*, Figure 4 of Oprescu uses 15 switches, whereas Figure 1 of the instant application discloses only 11 switches for twice the number of scaling ratios. The aforementioned elements of the present invention are claimed in new independent claims 21, 23 and 28.

Claims 1-20 have been canceled. New claim 22 depends from new independent claim 21, and contain all elements and limitations thereof. New claims 24-26 depend from new independent claim 23, and contain all elements and limitations thereof. New claims 29-32 depend from new independent claim 28, and contain all elements and limitations thereof.

Applicants respectfully traverse the rejections and submit that the reference relied upon is improper because it does not contain every element recited in the claims, in as complete detail as is contained in the claims, and arranged as recited in the claims. MPEP § 2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claims.

All amendments are made in a good faith effort to advance the prosecution on the merits. Applicants reserve the right to subsequently take up prosecution on the claims as originally filed in this or appropriate continuation, continuation-in-part and/or divisional applications.

Applicants respectfully request that the amendments submitted herein be entered, and further request reconsideration in light of the amendments and remarks contained herein.

Applicants respectfully request withdrawal of all objections and rejections, and that there be an early notice of allowance.

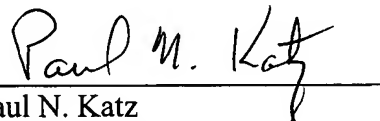
SUMMARY

In light of the above amendments and remarks Applicants respectfully submit that the application is now in condition for allowance and early notice of the same is earnestly solicited. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone or facsimile.

Applicants believe that there are no fees due in association with the filing of this Response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefore, and direct that any and all fees due are charged to Baker Botts L.L.P. **Deposit Account No. 02-0383, (formerly Baker & Botts, L.L.P.) Order Number 068354.1173.**

Respectfully submitted,

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December 22, 2005